

## **REMARKS**

These remarks are responsive to the Office Action dated April 19, 2004. Currently, claims 1-4, 6-8, 23-24, 26-29, and 32-33 are pending in the application with claims 1, 6 and 23 being independent. Claims 5, 9-22, 25, 30-31, and 34 are being cancelled without prejudice or disclaimer. Claims 1, 6, 23, 32, and 33 are amended. Claim 1 is amended to include all limitations of claim 5. Claim 6's dependency is amended. Claim 6 is now independent and includes all limitations of claim 1. Claim 23 is amended to include all limitations of claim 25. The support for the amendments of claims 32 and 33 is provided on page 6, line 22 to page 7, line 5 of the Applicants' specification.

### **Objections to the Drawings**

In the office action, dated April 19, 2004, the Examiner objected to the drawings stating that every feature of the invention specified in the claims 31-33 must be shown. The Applicants have cancelled claim 31. Therefore, the Examiner's objection with respect to claim 31 is now moot.

Further, the Applicants amended claim 32 to recite a feature of the "sliding switch." This feature is described in the specification on page 6, line 22 to page 7, line 5. Also, it is shown in FIG. 5 as a sliding switch 40. Thus, the Examiner's objection to the drawings with respect to claim 32 is now moot.

Lastly, the Applicants amended claim 33 so that the feature of "aperture in the tab" is no longer recited. Hence, the Examiner's objection to the drawings with respect to claim 33 is now moot.

The Examiner is respectfully requested to reconsider and withdraw her objections to the drawings with respect to claims 31-33.

Objections to the Specification

In the office action, dated April 19, 2004, the Examiner objected to the specification as failing to provide antecedent basis for the claimed subject matter, as recited in claims 1, 20, 22-23, and 31-34. The Applicants amended these claims to accommodate the Examiner's objections.

Specifically, the Applicants cancelled claims 20, 22, 31, and 34. Thus, the Examiner's objections are now moot with respect to these claims. The Applicants further amended claims 1 and 23 to no longer recite an element of "said interior surface comprised of a like material throughout." Hence, the Examiner's objection is now moot with respect to claims 1 and 23. Lastly, the Applicants amended claims 32 and 33 to recite a "sliding switch" instead of a "sliding arm" and to no longer recite "the tab having an aperture." The "sliding switch" is described on page 6, line 22 to page 7, line 5 of the Applicants' specification, and shown in FIG. 5. Thus, the Examiner's objections are now moot with respect to claims 32 and 33. The Examiner is respectfully requested to reconsider and withdraw her objections with respect to claims 1, 20, 22-23, and 31-34.

35 U.S.C. 112

In the office action, dated April 19, 2004, the Examiner rejected claims 1, 20, and 22-23 under 35 U.S.C. 112, first paragraph, as containing subject matter not described in the specification. This rejection is respectfully traversed for at least the reasons set forth below.

As stated above, the Applicants cancelled claims 20 and 22 without prejudice or disclaimer and amended claims 1 and 23. Claims 1 and 23 were amended to no longer recite the element of “the interior surface comprised of a like material throughout.”

Thus, because claims 20 and 22 were cancelled, the Examiner’s rejections are now moot. Further, because Applicants amended claims 1 and 23, the Examiner’s rejections are traversed. Therefore, the Applicants respectfully request that the Examiner reconsider and withdraw her rejections with respect to claims 1, 20, and 22-23.

In the office action, dated April 19, 2004, the Examiner rejected claims 31-34 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These rejections are respectfully traversed for at least the reasons set forth below.

As stated above, the Applicants cancelled claims 31 and 34 without prejudice or disclaimer. Therefore, the Examiner’s rejections are now moot.

Further, the Applicants amended claims 32 and 33 to recite a “sliding switch” instead of “sliding arm” as well as no longer recite a tab having “an aperture at said proximal portion.” The “sliding switch” element is fully described on page 6, line 22 to page 7, line 5 of the specification and is shown in FIG. 5. Therefore, the Examiner’s rejections of claims 32 and 33 are respectfully traversed. The Examiner is respectfully requested to reconsider and withdraw her rejections of claims 31-34.

35 U.S.C. 102

In the office action, dated April 19, 2004, the Examiner rejected claims 1, 8, 20-22, and 29-30 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,782,668 to Chabert

(hereinafter, “Chabert”). This rejection is respectfully traversed for at least the reasons set forth below.

As stated above, the Applicants cancelled claims 20-21 and 30 without prejudice or disclaimer. Therefore, the Examiner’s rejections with respect to claims 20-21 and 30 are not moot.

The Applicants amended claim 1 to include all limitations of claim 5. In the April 19, 2004 office action, the Examiner indicated that claim 5 is objected to as being dependent on a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The amended claim 1 now includes all limitations of claim 5. Hence, claim 1 is now allowable.

Claim 1 recites an apparatus for minimizing current flow in a circuit that includes a tab, where the tab forms a valve in an inflatable device. Chabert describes an inflatable object that includes an end part 21 or an actuation contact 26 in contact with the switch. In contrast, Chabert’s end part 21 or the actuation contact 26 does not form a valve, as recited in claim 1. Thus, Chabert does not anticipate claim 1 because it does not recite all of its elements. Therefore, this rejection is respectfully traversed. The Examiner is respectfully requested to reconsider and withdraw her rejection of claim 1.

Claims 8 and 29 are dependent on claim 1. Therefore, Chabert does not anticipate these claims for at least the same reasons stated above with respect to claim 1. Hence, the Examiner is respectfully requested to reconsider and withdraw her rejection of claims 8 and 29.

35 U.S.C. 103

In the office action, dated April 19, 2004, the Examiner rejected claims 2-4, 7, 23-24, and 26 as being unpatentable under 35 U.S.C. 103(a) in view various combinations of Chabert and U.S. Patent No. 5,108,338 to Margolis (hereinafter, "Margolis") and two Official Notices. These rejections are respectfully traversed for at least the reasons set forth below.

Claims 2-4 and 7 depend on the amended claim 1. Neither Margolis, nor the two Official Notices cure the defects of Chabert with respect to claim 1. Specifically, Margolis discloses a musical balloon manufactured using a Mylar material. Margolis does not describe a balloon that includes a tab that forms a valve in the inflatable device, as recited in claim 1. Further, the Official Notices relate to use of batteries in toys and piezoelectric generators. Thus, claim 1 is not rendered obvious by various combinations of Chabert, Margolis, and the Official Notices.

Claims 2-4 and 7 are dependent on claim 1. As such, these claims are not rendered obvious for at least the same reasons stated above with respect to claim 1. Thus, the rejections of claims 2-4 and 7 are respectfully traversed. The Examiner is respectfully requested to reconsider and withdraw her rejections of claims 2-4 and 7.

In the office action, dated April 19, 2004, the Examiner indicated that claims 25 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Applicants amended claim 23 to include all limitations of claim 25 and cancelled claim 25 without prejudice or disclaimer. Hence, claim 23 is now allowable.

The amended claim 23 recites an inflatable Mylar balloon with a tab that further includes a valve configured to allow air into the Mylar balloon. As stated above, Chabert does not have a

tab that includes a valve. Chabert discloses an end part 21 or an actuation contact 26. However, neither the end part 21 nor the actuation contact 26 include a valve, recited in claim 23.

Further, Margolis does not describe a Mylar balloon that has tab, which includes a valve. Margolis' Mylar balloon is manufactured using a plurality of sheets and a sound producing circuit attached to the sheets. However, Margolis does not describe, teach or suggest claim 23's tab having a valve that allows air into the Mylar balloon. Lastly, the two Official Notices relate to uses of batteries in toys and uses of piezoelectric sound generators. The two Notices do not deal with a tab that includes a valve for air passage into the balloon. Thus, neither Chabert, nor Margolis, nor the two Official Notices disclose, teach or suggest every element of claim 23.

Various combinations of Chabert, Margolis, and the Official Notices, produces a Mylar balloon capable of generating sounds and having an actuation contact. However, the combination fails to produce a Mylar balloon capable of generating sounds that has a tab, which includes a valve for allowing air into the Mylar balloon.

Therefore, the various combinations of Chabert, Margolis, and the Official Notices do not establish a prima facie case of obviousness with respect to claim 23. Thus, claim 23 is not rendered obvious. Therefore, the rejection of claim 23 is traversed. The Examiner is respectfully requested to reconsider and withdraw her rejection of claim 23.

Claims 24 and 26-28 are dependent on claim 23. As such, claims 24 and 26-28 are not rendered obvious by the various combinations of Chabert, Margolis, and the Official Notices for at least the same reasons stated above with respect to claim 23. Thus, these rejections are traversed. Therefore, the Examiner is respectfully requested to reconsider and withdraw her rejections of claims 24 and 26-28.

Miscellaneous Matters

In the office action, dated April 19, 2004, the Examiner objected to claim 6 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including the limitations of the base claim and any intervening claims. The Applicants amended claim 6 to become an independent claim and to include all limitations of claim 1. Thus, claim 6 should not be passed to allowance.

No new matter has been added.

The claims currently presented are proper and definite. Allowance is accordingly in order and respectfully requested. However, should the Examiner deem that further clarification of the record is in order, we invite a telephone call to the Applicants' undersigned attorney to expedite further processing of the application to allowance.

Respectfully submitted,



Boris A. Matvenko  
Reg. No.: 48,165  
GIBBONS, DEL DEO, DOLAN,  
GRIFFINGER & VECCHIONE, PC  
One Pennsylvania Plaza, 37th Floor  
New York, New York 10119  
(212) 649-4700

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